

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ROBERT COTTER II,

Plaintiff,

v.

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

CASE NO. 2:14-cv-13215

HON. MARIANNE O. BATTANI

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION;  
GRANTING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT; DENYING THE  
COMMISSIONER'S MOTION FOR SUMMARY JUDGMENT; AND  
REMANDING TO THE COMMISSIONER FOR FURTHER CONSIDERATION**

Plaintiff Robert Cotter II has brought this action challenging the Commissioner of Social Security's final decision denying his application for Disability Insurance Benefits under the Social Security Act. The case was referred to Magistrate Judge Stephanie Dawkins Davis pursuant to 28 U.S.C. § 636(b)(1). Both parties filed dispositive motions, and in a Report and Recommendation ("R&R") dated August 16, 2016, Magistrate Judge Davis recommended that Plaintiff's Motion for Summary Judgment be granted and that the Commissioner's Motion for Summary Judgment be denied. (Doc. 29).

In the R&R, the Magistrate Judge informed the parties that objections to the R&R must be filed within fourteen days of service and that a party's failure to file objections would waive any further right of appeal. (Id., pp. 24-25). Neither party filed objections.

Because no objections have been filed in this case, the parties waived their right to *de novo* review and appeal. Accordingly, the Court **ADOPTS** the Magistrate Judge's Report and Recommendation (Doc. 29), **GRANTS** Plaintiff's Motion for Summary Judgment (Doc. 25), and **DENIES** the Commissioner's Motion for Summary Judgment (Doc. 27). The Court therefore **REMANDS** Plaintiff's claim to the Commissioner for further administrative proceedings consistent with the R&R.

**IT IS SO ORDERED.**

Date: September 12, 2016

s/Marianne O. Battani  
MARIANNE O. BATTANI  
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Order was served upon counsel of record via the Court's ECF System to their respective email addresses or First Class U.S. mail to the non-ECF participants on September 12, 2016.

s/ Kay Doaks  
Case Manager